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GEOQUEST
SCHLUMBERGER TECHNOLOGY CORPORATION
5599 SAN FELIPE
SUITE 1700
HOUSTON, TX 770562722

EXAMINER

THANGAVELU, KANDASAMY

ART UNIT PAPER NUMBER

2123

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/270,128	Applicant(s) MILLER, THOMAS R.	
	Examiner Kandasamy Thangavelu	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This communication is in response to the Applicants' Amendment dated October 7, 2005. Claims 1, 10, 15, 16, 20, 24 and 26 were amended. Claims 1-27 of the application are pending and rejected. This office action is made final.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 10, 15, 16, 20, 22 and 24 include the limitation, "wherein each superset has a parent relationship with each of its child sets". The applicants have argued that there is support for this in the specification in Paragraph 0168 and 0172, where the terms parent and children are

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mentioned. However, the specification does not describe how the parent and children are related to the superset and set.

Claims rejected but not specifically addressed are rejected based on their dependency on rejected claims.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10, 15, 16, 20, 22 and 24 include the limitation, “wherein each superset has a parent relationship with each of its child sets”. These claims also include the limitation “said sets and supersets of test data files being stored in said case manager in the form of a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that one or more of said supersets underlie corresponding ones of said sets in said tree like structure, such that one or more of said sets is situated between the root and the corresponding superset”. This states that in the applicants non-conventional tree like structure the supersets underlie the sets and the sets are between the root and the superset. One of ordinary skill in the art knows that in all tree structures, the root is the origin, the main branches follow the root and are children of the root, the small branches follow

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the main branches and are children of the main branches, while the main branches are the parents of the small branches, and the leaves are at the ends of the tree and are children of the small branches, while the small branches are the parents of the leaves. Therefore, when one states that the supersets underlie the sets in the non-conventional tree, it is implied that the supersets are children of the sets. Then stating, "each superset has a parent relationship with the child sets" is contradictory. In other words, one cannot have "a non-conventional tree like structure in which supersets underlie corresponding ones of said sets in said tree like structure, such that one or more of said sets is situated between the root and the corresponding superset" and at the same time "each superset has a parent relationship with each of its child sets".

Claims rejected but not specifically addressed are rejected based on their dependency on rejected claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

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7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1, 10, 16, 20, 22-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huang et al.** (U.S. Patent 6,151,582), in view of **Rumbaugh et al.** (Object oriented modeling and Design, 1991).

8.1 **Huang et al.** teaches Decision support system for the management of an agile supply chain. Specifically, as per Claim 1, **Huang et al.** teaches a simulation system used by an operator and including a source of input data, a display, and a simulator adapted to be executed by a processor and generating a set of simulation results during the execution in response to the input data (Col 96, Lines 35-37; Col 95, Lines 63-64; Col 96, Lines 18-28 and Col 96, Lines 57-58);

an organizing and managing system operatively interconnected between the source of input data and the simulator and the display (Col 94, Lines 42-45);

one or more of the sets and the supersets of the test data files adapted to be selected by the operator (Col 95, Lines 3-4);

editing means responsive to the one or more of the sets and the supersets of the test data files selected by the operator via the case manager and responsive to the input data for editing the test data files and the input data in response to editing actions taken by the operator and generating a set of edited test data files (Col 96, Lines 44-45 and Col 94, Lines 41-45); and

the simulator generating the set of simulation results during the execution of the simulator in response to the set of edited test data files (Col 95, Lines 63-64; Col 96, Lines 35-37 and Col 96, Lines 57-58).

Huang et al. further teaches a case manager adapted for storing a plurality of sets and supersets of test data files, the sets and supersets of test data files being stored in the case manager in the form of a tree like structure (Col 94, Lines 42-45; Fig. 52 and Col 104, Lines 35-45). However, **Huang et al.** does not expressly teach each superset having a parent relationship with each of its child sets and the sets and supersets of test data files being stored in the case manager in the form of a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that one or more of the supersets underlie corresponding ones of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset. **Rumbaugh et al.** teaches each superset having a parent relationship with each of its child sets and the sets and supersets of test data files being stored in the case manager in the form of a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that one or more of the supersets underlie corresponding ones of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset (Page 39, Para 3 and Para 5; Fig. 3.23; while **Rumbaugh et al.** depicts a

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subclass below its corresponding class, the subclass can derive information from higher class as shown in Figure 3.23; therefore, the class has a parent relationship with its child subclass; the subclass contains more information than the class or superclass above it; the subclass forms a superset (having more data) of the class or superclass (having less data) above it, while the class or superclass forms a set; as one goes down the class structure, more and more data is available to the lower classes, thus they forming supersets of the classes or superclasses (sets) above them; there is also no constraint in the database to the amount of data in various sets and supersets and the type of data in the sets and supersets). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the organizing and managing system of **Huang et al.** with the organizing and managing system of **Rumbaugh et al.** that included each superset having a parent relationship with each of its child sets and the sets and supersets of test data files being stored in the case manager in the form of a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that one or more of the supersets underlie corresponding ones of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset because that would allow sharing similarities among sets, while preserving their differences (Page 38, Para 4) and modeling by structuring the sets and would be helpful for reusing the sets (Page 41, Para 3).

8.2 As per Claim 10, **Huang et al.** teaches in a simulation system used by an operator, a method for generating a set of simulation results in response to a set of input data and displaying

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the set of simulation results (Col 96, Lines 35-37; Col 95, Lines 63-64; Col 96, Lines 18-28 and Col 96, Lines 57-58);

the sets of the data and the supersets of the data adapted to be selected by the operator (Col 95, Lines 3-4);

generating the sets of the data from the case manager storage medium when the sets of data are selected by the operator (Col 94, Lines 42-45); and

submitting the sets of data to a simulator in response to the generating step, the simulator executing and generating the set of simulation results in response to the sets of data and displaying the set of simulation results (Col 95, Lines 63-64; Col 96, Lines 35-37 and Col 96, Lines 57-58).

Huang et al. further teaches storing the input data in a case manager storage medium in the form of a tree like structure, the input data including a plurality of sets of data and a plurality of supersets of the data, the sets of the data and the supersets of the data being stored in the case manager storage medium in the form of the tree like structure (Col 94, Lines 42-45; Fig. 52 and Col 104, Lines 35-45). However, **Huang et al.** does not expressly teach each superset having a parent relationship with each of its child sets and storing the input data in a case manager storage medium in the form of a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that supersets underlie corresponding ones of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset. **Rumbaugh et al.** teaches each superset having a parent relationship with each of its child sets and storing the input data in a case manager storage medium in the form of a hierarchical, non-conventional tree like structure,

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having a root and one or more leaves, the tree like structure being non-conventional in that supersets underlie corresponding ones of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset (Page 39, Para 3 and Para 5; Fig. 3.23).

8.3 As per Claim 16, **Huang et al.** teaches a device, comprising means for storing instructions which are executable by a processor of a computer, the instructions adapted for use by a simulation system for generating a set of simulation results in response to a selected set of data and displaying the set of simulation results (Col 96, Lines 35-37; Col 95, Lines 63-64 and Col 96, Lines 57-58);

the plurality of sets of data and the plurality of supersets of data adapted to be selected by an operator via the tree like structure on the display (Col 95, Lines 3-4);

presenting for display an editing means when the plurality of sets of data or the plurality of supersets of data are selected by the operator via the tree like structure on the display, the data adapted to be edited by the operator via editing means on the display thereby generating edited data (Col 96, Lines 44-45 and Col 94, Lines 45-46); and

submitting the edited data to a simulator when the data is edited by the operator via the editing means on the display (Col 95, Lines 63-64 and Col 96, Lines 35-37).

Huang et al. teaches presenting for display a tree like structure representing a plurality of sets of data and a plurality of supersets of the data, the plurality of sets and plurality of supersets being stored therein in the form of the tree like structure (Col 94, Lines 42-45; Fig. 52 and Col 104, Lines 35-45). However, **Huang et al.** does not expressly teach a hierarchical,

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non-conventional tree like structure representing a plurality of sets of data and a plurality of supersets of the data, wherein each superset having a parent relationship with each of its child sets, the plurality of sets and plurality of supersets being stored therein in the form of the tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that the supersets underlie corresponding ones of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset. **Rumbaugh et al.** teaches a hierarchical, non-conventional tree like structure representing a plurality of sets of data and a plurality of supersets of the data, wherein each superset having a parent relationship with each of its child sets, the plurality of sets and plurality of supersets being stored therein in the form of the tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that the supersets underlie corresponding ones of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset (Page 39, Para 3 and Para 5; Fig. 3.23).

8.4 As per Claim 20, **Huang et al.** teaches at least one of the set of data and the corresponding superset of the set of data adapted to be selected by an operator from the tree like structure of the case manager (Col 95, Lines 3-4); and

a simulation system, comprising a simulator responsive to the at least one of the set of data and the corresponding superset of the sets of data which is selected by the operator from the tree like structure in the case manager adapted for executing and using, during the execution, the at least one of the set of data and the corresponding superset of the set of data thereby generating

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a set of simulation results; and means for displaying or recording the set of simulation results (Col 95, Lines 63-64 and Col 96, Lines 35-37; Col 96, Lines 57-58).

Huang et al. teaches a case manager adapted for storing input data and organizing the input data in the case manager in a tree like structure, the input data including a set of data and a corresponding superset of the set of data (Col 94, Lines 42-45; Fig. 52 and Col 104, Lines 35-45). However, **Huang et al.** does not expressly teach a case manager adapted for storing input data therein and organizing the input data in the case manager in a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the input data including a set of data and a corresponding superset of the set of data, wherein the superset has a parent relationship with each of its child sets, the tree like structure being non-conventional in that the superset of the set of data underlies the set of data in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset, a superset storing data therein which is also stored in a corresponding set of data but the superset further storing additional data therein which is not stored in the corresponding set of data. **Rumbaugh et al.** teaches a case manager adapted for storing input data therein and organizing the input data in the case manager in a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the input data including a set of data and a corresponding superset of the set of data, wherein the superset has a parent relationship with each of its child sets, the tree like structure being non-conventional in that the superset of the set of data underlies the set of data in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset, a superset storing data therein which is also stored in a corresponding set of data but the superset further

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storing additional data therein which is not stored in the corresponding set of data (Page 39, Para 3 and Para 5; Fig. 3.23).

8.5 As per Claim 22, **Huang et al.** teaches a device adapted for storing instructions which, when executed by a processor, conducts a process comprising executing a simulator using input data during the execution of the simulator (Col 96, Lines 35-37; Col 95, Lines 63-64);

the step of executing the simulator using the input data includes selecting, by an operator, either the set of data or the superset of the set of data, the data selected during the selecting step representing the input data used by the simulator during the execution of the simulator (Col 95, Lines 3-4); and

the step of executing the simulator using the input data includes executing the simulator using the data selected during the selecting step (Col 95, Lines 63-64 and Col 96, Lines 35-37).

Huang et al. teaches that the step of executing the simulator using the input data includes accessing a case manager, the case manager including at least one set of data and at least one superset of the set of data organized in the case manager in a tree like structure. (Col 94, Lines 42-45; Fig. 52; Col 104, Lines 35-45). However, **Huang et al.** does not expressly teach a case manager including at least one set of data and at least one superset of the set of data wherein each superset has a parent relationship with each of its child sets, the at least one set and at least one superset being organized in the case manager in a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that the superset of the set of data underlies the set of data in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset, the set of data

including a first group of data, the superset of the set of data including the first group of data plus additional data which is not included in the set of data. **Rumbaugh et al.** teaches a case manager including at least one set of data and at least one superset of the set of data wherein each superset has a parent relationship with each of its child sets, the at least one set and at least one superset being organized in the case manager in a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that the superset of the set of data underlies the set of data in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset, the set of data including a first group of data, the superset of the set of data including the first group of data plus additional data which is not included in the set of data (Page 39, Para 3 and Para 5; Fig. 3.23).

8.6 As per Claim 23, **Huang et al.** and **Rumbaugh et al.** teach the device of Claim 22. **Huang et al.** also teaches that the step of executing the simulator using the input data includes editing the data selected during the selecting step creating edited data, the edited data representing the input data used by the simulator during the execution of the simulator (Col 94, Lines 45-46).

8.7 As per Claim 24, **Huang et al.** teaches a simulation system including a method of performing a simulation, comprising selecting by an operator, at least one of the sets of data or at least one of the supersets of data in the tree like structure of the case manager, the selected data being generated from the case manager when the selected data is selected by the operator (Col 94, Lines 42-45 and Col 95, Lines 3-4); and

receiving the selected data, selected by the operator during the selecting step in the simulator and performing by the simulator the simulation, and using by the simulator the selected data which is received in the simulator during the receiving step. (Col 95, Lines 63-64 and Col 96, Lines 35-37).

Huang et al. teaches in a simulation system including a case manager and a simulator operatively connected to the case manager, the case manager including a plurality of sets of data and a corresponding plurality of supersets of data organized together in the case manager in the form of a tree like structure, each of the sets of data including a group of data (Col 94, Lines 42-45; Fig. 52 and Col 104, Lines 35-45). However, **Huang et al.** does not expressly teach the case manager including a plurality of sets of data and a corresponding plurality of supersets of data wherein each superset has a parent relationship with each of its child sets, the plurality of sets and plurality of supersets being organized together in the case manager in the form of a hierarchical, non-conventional tree like structure, having a root and one or more leaves, each of the sets of data including a group of data, each of the corresponding supersets of data including the group of data plus additional data not included within the corresponding sets of data, the tree like structure being non-conventional in that the supersets of the set of data underlie the corresponding sets of data in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset. **Rumbaugh et al.** teaches the case manager including a plurality of sets of data and a corresponding plurality of supersets of data wherein each superset has a parent relationship with each of its child sets, the plurality of sets and plurality of supersets being organized together in the case manager in the form of a hierarchical, non-conventional tree like structure, having a root and one or more leaves, each of the sets of

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data including a group of data, each of the corresponding supersets of data including the group of data plus additional data not included within the corresponding sets of data, the tree like structure being non-conventional in that the supersets of the set of data underlie the corresponding sets of data in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset (Page 39, Para 3 and Para 5; Fig. 3.23).

8.8 As per Claim 26, **Huang et al.** teaches a device adapted for storing instructions and adapted to be disposed in a computer, the instructions adapted to be executed by a processor of the computer when the device is disposed in the computer, the processor performing method steps for performing a simulation in a simulation system when the instructions are executed by the processor of the computer (Col 96, Lines 35-37; Col 95, Lines 63-64);

the method steps for performing the simulation in the simulation system comprising selecting by an operator, at least one of the sets of data or at least one of the supersets of data in the tree like structure of the case manager, the selected data being generated from the case manager when the selected data is selected by the operator (Col 95, Lines 3-4); and

the method steps for performing the simulation in the simulation system comprising receiving the selected data, selected by the operator during the selecting step in the simulator, and performing by the simulator the simulation and using by the simulator the selected data which is received in the simulator during the receiving step (Col 95, Lines 63-64 and Col 96, Lines 35-37).

Huang et al. teaches the simulation system including a case manager and a simulator operatively connected to the case manager, the case manager including a plurality of sets of data

and a corresponding plurality of supersets of data organized together in the case manager in the form of a tree like structure, each of the sets of data including a group of data (Col 94, Lines 42-45; Fig. 52 and Col 104, Lines 35-45). However, **Huang et al.** does not expressly teach the case manager including a plurality of sets of data and a corresponding plurality of supersets of data wherein each superset has a parent relationship with each of its child sets, the plurality of sets and plurality of supersets being organized together in the case manager in the form of a hierarchical, non-conventional tree like structure, having, a root and one or more leaves, each of the sets of data including a group of data, each of the corresponding supersets of data including the group of data plus additional data not included within the corresponding sets of data, the tree like structure being non-conventional in that the supersets of the set of data underlie the corresponding sets of data in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset. **Rumbaugh et al.** teaches the case manager including a plurality of sets of data and a corresponding plurality of supersets of data wherein each superset has a parent relationship with each of its child sets, the plurality of sets and plurality of supersets being organized together in the case manager in the form of a hierarchical, non-conventional tree like structure, having, a root and one or more leaves, each of the sets of data including a group of data, each of the corresponding supersets of data including the group of data plus additional data not included within the corresponding sets of data, the tree like structure being non-conventional in that the supersets of the set of data underlie the corresponding sets of data in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset (Page 39, Para 3 and Para 5; Fig. 3.23).

9. Claims 2-9,11-14, 17-19, 21, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huang et al.** (U.S. Patent 6,151,582), in view of **Rumbaugh et al.** (Object oriented modeling and Design, 1991), and further in view of **Cowgill** (U.S. Patent 5,835,566).

9.1 As per Claim 2, **Huang et al.** and **Rumbaugh et al.** teach the organizing and managing system of Claim 1. **Huang et al.** and **Rumbaugh et al.** do not expressly teach that the editing means comprises a case builder adapted for receiving a first set of keywords associated with the input data and a second set of keywords associated with the one or more of the sets and the supersets of the test data files selected by the operator via the case manager for editing the first set of keywords and the second set of keywords in response to editing actions taken by the operator thereby generating a third set of keywords; and a simulation file adapted for storing the third set of keywords. **Cowgill** teaches that the editing means comprises a case builder adapted for receiving a first set of keywords associated with the input data and a second set of keywords associated with the one or more of the sets and the supersets of the test data files selected by the operator via the case manager for editing the first set of keywords and the second set of keywords in response to editing actions taken by the operator thereby generating a third set of keywords; and a simulation file adapted for storing the third set of keywords (Col 12, Lines 34-37; Fig. 8, Item 820). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the organizing and managing system of **Huang et al.** and **Rumbaugh et al.** with the organizing and managing system of **Cowgill** that included the editing means comprising a case builder adapted for receiving a first set of keywords associated with the input data and a second set of keywords associated with the one or more of the sets and the

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supersets of the test data files selected by the operator via the case manager for editing the first set of keywords and the second set of keywords in response to editing actions taken by the operator thereby generating a third set of keywords; and a simulation file adapted for storing the third set of keywords because that would provide a user friendly environment so that the user could create test cases and store the cases for execution (Col 12, Lines 38-40).

8.2 As per Claim 3, **Huang et al.**, **Rumbaugh et al.** and **Cowgill** teach the organizing and managing system of Claim 2. **Huang et al.** teaches that editing means further comprises a run manager adapted for receiving the third set of keywords from the simulation file and submitting the third set of keywords to the simulator, the simulator using the third set of keywords from the simulation file during its execution by the processor and, responsive thereto, generating the set of simulation results (Col 96, Lines 35-37; Col 96, Lines 18-26).

8.3 As per Claim 4, **Huang et al.**, **Rumbaugh et al.** and **Cowgill** teach the organizing and managing system of Claim 3. **Huang et al.** teaches that the display includes a results viewer, the results viewer adapted to display the set of simulation results generated from the simulator (Col 96, Lines 57-58).

8.4 As per Claim 5, **Huang et al.**, **Rumbaugh et al.** and **Cowgill** teach the organizing and managing system of Claim 4. **Huang et al.** and **Rumbaugh et al.** do not expressly teach that the display includes a report generator, the report generator adapted to generate a report describing the set of simulation results generated from the simulator. **Cowgill** teaches that the display

includes a report generator, the report generator adapted to generate a report describing the set of simulation results generated from the simulator (Col 12, Lines 54-58).

8.5 As per Claim 6, **Huang et al.**, **Rumbaugh et al.** and **Cowgill** teach the organizing and managing system of Claim 3. **Huang et al.** and **Rumbaugh et al.** do not expressly teach that the run manager includes monitoring means for monitoring the third set of keywords received from the simulation file. **Cowgill** teaches that the run manager includes monitoring means for monitoring the third set of keywords received from the simulation file (Col 12, Lines 54-58).

8.6 As per Claim 7, **Huang et al.**, **Rumbaugh et al.** and **Cowgill** teach the organizing and managing system of Claim 6. **Huang et al.** and **Rumbaugh et al.** do not expressly teach that the organizing and managing system comprises a results file adapted to be operatively connected to the simulator for receiving the set of simulation results from the simulator and storing the set of simulation results therein, the run manager receiving the third set of keywords from the simulation file and the set of simulation results from the results file thereby allowing the third set of keywords to be compared by an operator with the set of simulation results. **Cowgill** teaches that the organizing and managing system comprises a results file adapted to be operatively connected to the simulator for receiving the set of simulation results from the simulator and storing the set of simulation results therein, the run manager receiving the third set of keywords from the simulation file and the set of simulation results from the results file thereby allowing the third set of keywords to be compared by an operator with the set of simulation results (Col 12, Lines 54-58 and Col 12, Lines 62-63).

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8.7 As per Claim 8, **Huang et al.**, **Rumbaugh et al.** and **Cowgill** teach the organizing and managing system of Claim 7. **Huang et al.** teaches that the display includes a results viewer connected to the results file, the results viewer adapted to display the set of simulation results received from the results file (Col 96, Lines 57-58 and Col 94, Lines 45-46).

8.8 As per Claim 9, **Huang et al.**, **Rumbaugh et al.** and **Cowgill** teach the organizing and managing system of Claim 8. **Huang et al.** and **Rumbaugh et al.** do not expressly teach that the display includes a report generator connected to the results file, the report generator adapted to generate a report describing the set of simulation results received from the results file. **Cowgill** teaches that the display includes a report generator connected to the results file, the report generator adapted to generate a report describing the set of simulation results received from the results file (Col 12, Lines 54-58).

8.9 As per Claim 11, **Huang et al.** and **Rumbaugh et al.** teach the method of Claim 10. **Huang et al.** teaches that the submitting step includes editing a first set of keywords representing the sets of data and generating a second set of keywords representing edited versions of the sets of data (Col 94, Lines 45-46); and the submitting step includes submitting the second set of keywords to the simulator in response to the editing step, the simulator executing and generating the set of simulation results in response to the second set of keywords (Col 96, Lines 35-37).

8.10 As per Claim 12, **Huang et al.** and **Rumbaugh et al.** teach the method of Claim 11.

Huang et al. teaches that displaying step includes storing the set of simulation results which are generated from the simulator, in a results file; and displaying the set of simulation results which are stored in the results file (Col 96, Lines 57-58 and Col 94, Lines 45-46).

8.11 As per Claim 13, **Huang et al.** and **Rumbaugh et al.** teach the method of Claim 12.

Huang et al. and **Rumbaugh et al.** do not expressly teach that the step of storing the set of simulation results in a results file comprises comparing the second set of keywords submitted to the simulator with the set of simulation results stored in the results file and storing the set of simulation results, which are generated from the simulator, in a results file. **Cowgill** teaches that the step of storing the set of simulation results in a results file comprises comparing the second set of keywords submitted to the simulator with the set of simulation results stored in the results file and storing the set of simulation results, which are generated from the simulator, in a results file (Col 12, Lines 54-58 and Col 12, Lines 62-63).

8.12 As per Claim 14, **Huang et al.** and **Rumbaugh et al.** teach the method of Claim 13.

Huang et al. teaches the step of displaying the set of simulation results which are stored in the results file includes displaying the set of simulation results via a results viewer. (Col 96, Lines 57-58).

Huang et al. and **Rumbaugh et al.** do not expressly teach that the step of displaying the set of simulation results which are stored in the results file includes generating a report documenting the set of simulation results via a report generator. **Cowgill** teaches that the step of

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displaying the set of simulation results which are stored in the results file includes generating a report documenting the set of simulation results via a report generator (Col 12, Lines 54-58).

8.13 As per Claim 17, **Huang et al.** and **Rumbaugh et al.** teach the device of Claim 16.

Huang et al. teaches that the device further comprises receiving a set of simulation results from the simulator when the edited data is submitted to the simulator and storing the set of simulation results in a results file (Col 94, Lines 45-46).

8.14 As per Claim 18, **Huang et al.** and **Rumbaugh et al.** teach the device of Claim 17.

Huang et al. and **Rumbaugh et al.** do not expressly teach that the device further comprises monitoring the edited data submitted to the simulator, and comparing the edited data submitted to the simulator with the set of simulation results generated from the simulator. **Cowgill** teaches that the device further comprises monitoring the edited data submitted to the simulator, and comparing the edited data submitted to the simulator with the set of simulation results generated from the simulator (Col 12, Lines 54-58).

8.15 As per Claim 19, **Huang et al.**, **Rumbaugh et al.** and **Cowgill** teach the device of Claim

18. **Huang et al.** and **Rumbaugh et al.** do not expressly teach that the device further comprises transmitting to a display the set of simulation results which are stored in the results file approximately simultaneously with the monitoring of the set of simulation results. **Cowgill** teaches that the device further comprises transmitting to a display the set of simulation results

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which are stored in the results file approximately simultaneously with the monitoring of the set of simulation results (Col 12, Lines 54-58).

8.16 As per Claim 21, **Huang et al.** and **Rumbaugh et al.** teach the simulation system of Claim 20. **Huang et al.** and **Rumbaugh et al.** do not expressly teach that the simulation system comprises a case builder operatively connected to the case manager and responsive to the at least one of the set of data and the corresponding superset of the set of data which is selected by the operator from the tree like structure of the case manager adapted for allowing the operator to edit the at least one of the set of data and the corresponding superset of the set of data which is selected by the operator from the tree like structure of the case manager thereby generating edited data. **Cowgill** teaches that the simulation system comprises a case builder operatively connected to the case manager and responsive to the at least one of the set of data and the corresponding superset of the set of data which is selected by the operator from the tree like structure of the case manager adapted for allowing the operator to edit the at least one of the set of data and the corresponding superset of the set of data which is selected by the operator from the tree like structure of the case manager thereby generating edited data (Col 12, Lines 34-37).

8.17 As per Claim 25, **Huang et al.** and **Rumbaugh et al.** teach the method of Claim 24. **Huang et al.** teaches the simulation system further includes the edited data being received in the simulator during the receiving step and the simulator performing the simulation and using the edited data in the simulation during the performing step (Col 96, Lines 35-37).

Huang et al. and **Rumbaugh et al.** do not expressly teach that the simulation system further includes a case builder operatively interposed between the case manager and the simulator and adapted for editing the selected data generated from the case manager when the selected data is selected by the operator during the selecting step; when the selected data is generated from the case manager in response to the selecting step, editing by the operator the selected data in the case builder generating edited data. **Cowgill** teaches that the simulation system further includes a case builder operatively interposed between the case manager and the simulator and adapted for editing the selected data generated from the case manager when the selected data is selected by the operator during the selecting step; when the selected data is generated from the case manager in response to the selecting step, editing by the operator the selected data in the case builder generating edited data (Col 12, Lines 34-37).

8.18 As per Claim 27, it is rejected based on the same reasoning as Claim 25, supra. Claim 27 is device claim reciting the same limitations as Claim 25, as taught throughout by **Huang et al.**, **Rumbaugh et al.** and **Cowgill**.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Huang et al.** (U.S. Patent 6,151,582), in view of **Rumbaugh et al.** (Object oriented modeling and Design, 1991) and **Cowgill** (U.S. Patent 5,835,566), and further in view of **Gunesekara** (U.S. Patent 6,018,497).

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9.1 As per Claim 15, **Huang et al.** teaches a simulation system responsive to a plurality of sets of input data generating a set of simulation results in response to the simulation, and displaying the set of simulation results (Col 96, Lines 35-37; Col 95, Lines 63-64 and Col 96, Lines 57-58);

an operator selecting one or more of the case scenarios in the case manager (Col 95, Lines 3-4);

the simulation system comprises case builder means for receiving the one or more of the case scenarios selected by the operator, editing or changing a set of data disposed within the selected case scenarios in response to editing actions taken by the operator, and, responsive thereto, generating a set of edited case scenarios (Col 94, Lines 45-46);

the simulation system comprises run manager means responding to the set of edited case scenarios from the case builder means for submitting the edited case scenarios to a simulator, the simulator responding to the edited case scenarios from the run manager means by executing and thereby generating the set of simulation results, the set of simulation results from the simulator being stored in a results file (Col 96, Lines 35-37); and

results viewer means for displaying the set of simulation results generated by the simulator, the results viewer displaying the set of simulation results and any instantaneous changes being made to the set of simulation results at any point in time (Col 96, Lines 57-58).

Huang et al., Rumbaugh et al. and Cowgill do not expressly teach a simulation system responsive to a plurality of sets of input data for simulating an earth formation located in the vicinity of an oilfield reservoir. **Gunesekara** teaches a simulation system responsive to a plurality of sets of input data for simulating an earth formation located in the vicinity of an

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oilfield reservoir (Col 1, Line 21 to Col 2, Line 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the simulation system of **Huang et al.**, **Rumbaugh et al.** and **Cowgill** with the simulation system of **Guneseekara** that included a system responsive to a plurality of sets of input data for simulating an earth formation located in the vicinity of an oilfield reservoir because that would facilitate generating accurate information relating to the transmissibility properties and flow properties of the cells imposed on the earth formation (Col 1, Lines 23-28; Col 1, Lines 54-55).

Huang et al. teaches a case manager means for organizing and managing the plurality of sets of input data being used by the simulation system, the case manager means including a plurality of sets of case scenarios and a plurality of supersets of case scenarios organized in a tree-like structure (Col 94, Lines 42-45; Fig. 52 and Col 104, Lines 35-45). However, **Huang et al.**, **Cowgill** and **Guneseekara** do not expressly teach the case manager means including a plurality of sets of case scenarios and a plurality of supersets of case scenarios organized in a hierarchical, non-conventional tree-like structure, having a root and one or more leaves, the tree like structure being non-conventional in that some of the case scenarios being supersets of other of the case scenarios in the tree-like structure with the supersets underlying corresponding ones of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset. **Rumbaugh et al.** teaches the case manager means including a plurality of sets of case scenarios and a plurality of supersets of case scenarios organized in a hierarchical, non-conventional tree-like structure, having a root and one or more leaves, the tree like structure being non-conventional in that some of the case scenarios being supersets of other of the case scenarios in the tree-like structure with the supersets underlying corresponding ones

of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset (Page 39, Para 3 and Para 5; Fig. 3.23).

Huang et al., Gunsekara and Rumbaugh et al. do not expressly teach case builder means for receiving the one or more of the case scenarios selected by the operator, editing or changing a set of data disposed within the selected case scenarios in response to editing actions taken by the operator, and, responsive thereto, generating a set of edited case scenarios. **Cowgill** teaches case builder means for receiving the one or more of the case scenarios selected by the operator, editing or changing a set of data disposed within the selected case scenarios in response to editing actions taken by the operator, and, responsive thereto, generating a set of edited case scenarios (Col 12, Lines 34-37).

Huang et al., Gunsekara and Rumbaugh et al. do not expressly report generator means for generating one or more reports which record the set of simulation results. **Cowgill** teaches report generator means for generating one or more reports which record the set of simulation results (Col 12, Lines 54-58).

Response to Arguments

10. Applicant's arguments filed on October 7, 2005 have been fully considered. However, the arguments with respect to 103 (a) rejections are not persuasive.

10.1 As per the applicants' argument that "Applicant disagrees with Examiner's assertion that the tree like structure of RU is non-conventional and respectfully disagrees with Examiner's

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assertion that RU teaches that one or more of the supersets underlie corresponding ones of the sets in the tree-like structure, such that one or more of the sets is situated between the root and the corresponding superset; Applicant respectfully submits that the Examiner's arguments contradict the definitions given in the RU reference; the classification of subclass and superclass, both in RU and in the instant application, does not depend on whether one class has information not contained in the other class, but on the relationship between the two classes, that is whether one class refines the other and inherits the other's features; the class being refined is called the superclass and each refined version is called a subclass; nevertheless, subclasses may contain more information than in the super class from which they derive, without changing their status as subclasses; as RU states, "Each subclass not only inherits all the features or its ancestors but adds its own specific attributes and operations as well; the instant application's use of the words "sets" and "supersets" is in accord with the RU reference's definitions of "subclass" and "superclass"; Claim 1 has been amended to recite, in part: "a case manager adapted for storing a plurality of sets and supersets of test data files, wherein each superset has a parent relationship with each of its child sets; Fig. 3.23 of RU depicts a conventional hierarchical tree like structure having a root and one or more leaves, but does not depict "the tree like structure being non-conventional in that one or more of said supersets underlie corresponding ones of said sets in said tree like structure, such that one or more of said sets is situated between the root and the corresponding superset" and "wherein each superset has a parent relationship with each of its child sets"; the subclasses shown in Fig, 3.23 of the RU reference do not have a parent relationship with their own superclasses; because the subclasses of the RU reference are not refined by their own superclasses and because only superclasses have "parent relationships" with their subclasses (and

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not the reverse), the subclasses of RU cannot become superclasses of their own superclasses according to RU's own definitions; therefore, RU does not have "one or more of said sets is situated between the root and the corresponding superset" and the RU reference does not meet the limitations of instant claim 1", the Examiner respectfully disagrees.

The limitation, "wherein each superset has a parent relationship with each of its child sets" does not have support in the specification in Paragraph 0168 and 0172, where the terms parent and children are mentioned. The specification does not describe how the parent and children are related to the superset and set.

Claim 1 includes the limitation, "wherein each superset has a parent relationship with each of its child sets" and the limitation "said sets and supersets of test data files being stored in said case manager in the form of a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that one or more of said supersets underlie corresponding ones of said sets in said tree like structure, such that one or more of said sets is situated between the root and the corresponding superset". One of ordinary skill in the art knows that in all tree structures, the root is the origin, the main branches follow the root and are children of the root, the small branches follow the main branches and are children of the main branches, while the main branches are the parents of the small branches, and the leaves are at the ends of the tree and are children of the small branches, while the small branches are the parents of the leaves. Therefore, when one states that the supersets underlie the sets in the non-conventional tree, it is implied that the supersets are children of the sets. Then stating that "each superset has a parent relationship with the child sets" is contradictory. In other words, one cannot have "a non-conventional tree like structure in which supersets underlie

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corresponding ones of said sets in said tree like structure, such that one or more of said sets is situated between the root and the corresponding superset” and at the same time “each superset has a parent relationship with each of its child sets”.

Rumbaugh et al. teaches each superset having a parent relationship with each of its child sets and the sets and supersets of test data files being stored in the case manager in the form of a hierarchical, non-conventional tree like structure, having a root and one or more leaves, the tree like structure being non-conventional in that one or more of the supersets underlie corresponding ones of the sets in the tree like structure, such that one or more of the sets is situated between the root and the corresponding superset (Page 39, Para 3 and Para 5; Fig. 3.23; while **Rumbaugh et al.** depicts a subclass below its corresponding class, the subclass can derive information from higher class as shown in Figure 3.23; therefore, the class has a parent relationship with its child subclass; the subclass contains more information than the class or superclass above it; the subclass forms a superset (having more data) of the class or superclass (having less data) above it, while the class or superclass forms a set; as one goes down the class structure, more and more data is available to the lower classes, thus they forming supersets of the classes or superclasses (sets) above them; there is also no constraint in the database to the amount of data in various sets and supersets and the type of data in the sets and supersets).

Conclusion

ACTION IS FINAL

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11. Applicant's amendments necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kandasamy Thangavelu whose telephone number is 571-272-3717. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC 2100 Group receptionist: 571-272-2100.

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K. Thangavelu
Art Unit 2123
December 1, 2005


Paul L. Rodriguez 12/8/05
Primary Examiner
Art Unit 2125